The Facebook, Inc. v. Connectu, LLC et al
Doc. 252 Att. 33

EXHIBIT 31A

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

Certified Copy

FACEBOOK, INC., and MARK ZUCKERBERG,

Plaintiff,

vs.

Case No. 5:07-CV-01389-RS

CONNECTU, INC., (formerly known as CONNECTU, LLC), CAMERON WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA, PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA and DOES 1-25,

Defendants.

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***** HIGHLY CONFIDENTIAL *****

VIDEOTAPED DEPOSITION OF WINSTON WILLIAMS

Tuesday, June 19, 2007

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SHEILA CHASE & ASSOCIATES
REPORTING FOR:
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Reported by:
RACHEL FERRIER, CSR
CSR No. 6948

BE IT REMEMBERED that on Tuesday, June 19, 2007, commencing at the hour of 9:11 a.m., thereof, at the Law Offices of ORRICK, HERRINGTON & SUTCLIFFE, LLP, 1000 Marsh Road, Menlo Park, California 94025, 650.614.7400, before me, RACHEL FERRIER, a Certified Shorthand Reporter for the State of California, personally appeared

WINSTON WILLIAMS,

called as a witness by the Plaintiffs herein, who, being by me first duly sworn/affirmed, was thereupon examined and testified as hereinafter set forth.

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Appearing as counsel on behalf of Plaintiffs:

MONTE M.F. COOPER, Esquire
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Appearing as counsel on behalf of Defendants:

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APPEARANCES (Continued):

Also present: Jan Trudell, Videographer
Michael Trinh, Esquire

A My friend Joel showed me their Website.
Q And that would be Joel Voss?
A Correct.
Q All right. Do you recall why he showed you the Website?
MR. MOSKO: Calls for speculation.
THE WITNESS: I don't know.
BY MR. COOPER:
Q Do you recall the circumstances when he showed you the Website?
A By "circumstances" you mean what?
Q What were they? I mean, how did it come --
A I mean, we were sitting at a computer and he was showing me a social networking Website. He was showing me, you know, basically how you can browse through people's public profiles and look at their whatever class information and send messages and whatnot.
Q All right. And you say you were seated at a computer?
A Yes.
Q Was this a computer that was owned by Pacific Northwest Software?
A No.
Q Was this at Joel Voss's house?

A Yes.
Q All right. What was that?
A There were several instances. One instance of an importer -- I mean, there were several.
Q Okay. What was the earliest?
A I don't recall.
Q Did you develop the first one?
A I don't recall.
Q Do you know who else worked on importer?
A I know Joel Voss did. I believe others may have.
Q Do you know if David Gucwa did?
A I believe he had some hand in working on some importer at some point, yes.
Q Did you know if Wayne Chang did?
A I don't believe he did any programming on any importers, but he may have control of the administration of the importers.
Q All right. And how would he have control of the administration?
A Starting, stopping the service and watching the alerts or the status monitors.
Q All right. So you had a network-monitor-watching importer?
A We had a automated system that would alert

us when the -- when the system was malfunctioning.

Q All right. And what was the automated system?

A It was some method for a script to determine whether the system appeared to be malfunctioning. It would provide an alert on the Website.

Q All right. Did you, yourself, write any of the code for importer?

A Yes.

Q All right.

A Wrote code for some instances of the importer, yes.

Q All right. When was the first time you recall writing any code for importer?

A I don't recall the dates.

Q All right. Did you receive a version of importer, or did you actually create one from scratch?

A I created at least one importer system from scratch.

Q All right. You say at least one. So do you know if that was the first one or the --

A I don't know.

Q All right. And when you say you know you created at least one from scratch, why do you -- when -- when did this occur?
A I don't know the dates.
Q All right. Who instructed you to develop one from scratch?
A I believe Cameron Winklevoss.
Q All right. And was this still while you were working for Pacific Northwest Software?
A Yes.
Q All right. And what was the function of this importer that you developed from scratch?
A It was to import some type of data from the Facebook Website.
Q All right. Could you go back to what has now been redacted version Exhibit 47.
A Yeah.
Q Turn to February 16th.
A Okay.
Q Do you see where -- on page 2 of 16?
A Yes.
Q You see where it says "site was in chaos - old hardware could not handle the traffic, made as many optimizations as possible"?
A Yes.

Trying to get into facebook, put together javascript engine to decode e-mail addresses?

A Yes.

Q All right. What did you mean by "trying to get into facebook"?

A We were probably seeing what we could build as an automated system to have our system log in to Facebook based on credentials that were provided to us.

Q All right. Did you employ, as part of the importer program, a program that was called crawler?

A We built some code that we probably called a crawler at one point.

Q All right. And did you also employ a code that you called grabber?

A I don't know.

Q All right. Did you employ -- strike that.

Stepping back to your entry fixed -- "trying to get into facebook" -- do you see that?

A Yes.

Q -- did there come a time when you were working on the importer in which you were aware that the Facebook e-mail accounts were not made visible to the public?

MR. MOSKO: Can I have that question read again, please.

(Record read by the Reporter as follows:

"QUESTION: Did there come a time when you were working on the importer in which you were aware that the Facebook e-mail accounts were not made visible to the public?")

THE WITNESS: No.

BY MR. COOPER:

Q All right. Did you ever run into any issue where the e-mail accounts were protected by optical or OCR mechanisms?

A I don't know what you mean by "protected."

Q Well, that the script was not made available.

A I recall a time when the e-mail addresses were displayed as images.

Q Okay. And that would be an optical mechanism; correct?

A Right.

Q All right. So when you would go on to the Facebook Website in or about February 2005, do you have a recollection what scripting language you saw the Facebook site employed?

A I believe they used JavaScript and html and

THE VIDEOGRAPHER: Okay. We are back on the record now at 12:14.

BY MR. COOPER:

Q Mr. Williams, before we broke, we were talking about the ability to identify what e-mails had been sent to California students.

Do you recall that?

A Yes.

Q Is there any way to equally determine the extent e-mail accounts were obtained from the Facebook Website and imported to ConnectU which ones came from California schools?

MR. MOSKO: Can I have that question reread, please.

(Record read by the Reporter as follows:
"QUESTION: Is there any way to actually determine the extent e-mail accounts were obtained from the Facebook Website and imported to ConnectU which ones came from California schools?")

THE WITNESS: There may be some way.

BY MR. COOPER:

Q All right. Was a database set up to relate Facebook accounts in the ConnectU database field?

A I don't know if your wording is correct,

STATE OF CALIFORNIA)
:ss
COUNTY OF SAN FRANCISCO)

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand, which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action, nor a relative or employee of any attorney or any of the parties.

IN WITNESS HEREOF, I have this date subscribed my name.

Dated: June 20, 2007

Rachel Ferrier

RACHEL FERRIER
CSR No. 6948